

FEB 26 2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA

Vs.

Kendall Joseph Radley

CRIMINAL COMPLAINT

Case Number: C-24-076M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about February 25, 2024 in Kenedy County, in the Southern District of Texas, defendant, Kendall Joseph Radley

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent Michael Hibdon

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No


SUBMITTED BY RELIABLE ELECTRONIC MEANS, SWORN TO,
SIGNATURE ATTESTED TELEPHONICALLY PER
FED.R.CRIM.P.4.1, AND PROBABLE CAUSE FOUND ON THE:

February 26, 2024

DATE

Julie K. Hampton U.S. Magistrate Judge

Name and Title of Judicial Officer



Signature of Complainant

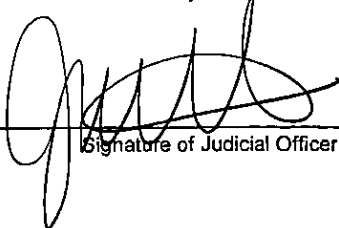
Michael Hibdon

Printed Name of Complainant

at

Corpus Christi, Texas

City and State



Signature of Judicial Officer

AFFIDAVIT

The information contained in this report /affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

FACTS/DETAILS:

On February 25, 2024, at approximately 10:30 p.m., a Border Patrol Agent assigned primary inspection duties at the Javier Vega Jr. United States Border Patrol checkpoint, located near Sarita, Texas, encountered a black in color Alpha Romeo outback. The vehicle, at that time, was being operated by a driver, later identified as Kendall Joseph Radley. As the vehicle approached the primary inspection lane, the agent observed only the driver inside the vehicle. As the vehicle came to a stop at the agent's location, the agent performed an immigration inspection of Radley and questioned him regarding his travel itinerary. Radley affirmed he was a United States citizen and then produced his cell phone to show the agent where he was headed; Radley was unsure where he was exactly. As Radley was holding his phone, the agent observed his hands were shaking. At that point, Radley stated he was coming from his girlfriend's house, but was unable to provide a legitimate response regarding his ultimate destination. The agent, due to his experience, found this behavior as out of the ordinary. At that time, the on-duty canine handler utilizing his service canine to perform free air sniffs of all traffic approaching the checkpoint, advised the agent that his canine partner had alerted to the vehicle. The canine handler then requested that the vehicle be referred to the secondary inspection area for a search. The primary agent subsequently referred Radley to the secondary inspection area.

Once in the secondary inspection area, agents searched the trunk of the vehicle and discovered two concealed people within. It was determined at that time that both subjects were from Honduras and were illegally present in the United States. Neither subject had documents in their possession to be in or remain within the United States legally. At that point all three subjects were placed under arrest and escorted inside the checkpoint for processing.

MIRANDA RIGHTS WARNING: All subjects were advised of their Miranda Rights in their language of preference.

PRINCIPAL STATEMENT: Kendall Joseph Radley

Radley stated he left Houston on today's date, February 25, 2024, between approximately 3:00 p.m. and 4:00 p.m. Radley drove to his cousin's house near Raymondville, Texas, for a birthday party. From the house, Radley went to a Circle K convenience store to buy gas and beer. Radley

went to the Circle K in his cousin's vehicle and left his Alpha Romeo at the house. When Radley returned to the house, Radley watched a movie for about 45 minutes and then left because they moved the birthday party to Monday, in Eagle Pass, Texas.

When questioned about his story and the short time he spent in Raymondville after traveling for approximately five hours, Radley went on to say he was lying, and that he left Houston, Texas between 1:00 p.m. to 2:00 p.m. Radley was questioned again about him changing his story and decided to tell the truth.

Radley told agents he was recruited through Instagram to travel to Raymondville, Texas, to pick up two people. Radley was offered a few thousand dollars to transport the people to Houston, Texas but did not know the exact amount. Radley drove to a Walmart in Raymondville, Texas and met some people. The guys told Radley to go inside the store and come back in approximately 20 minutes. That is when the guys put the people in the trunk. Radley went back to his car and started driving north on US HWY 77. Radley had knowledge he had two people in the trunk but never talked to them.

MATERIAL WITNESS STATEMENT: Hector Orlando ORTIZ-Martinez

ORTIZ stated after crossing into the United States and staying in multiple places he was ultimately taken to a Walmart parking lot. On his way to Walmart, ORTIZ was listening to the conversation the driver was having with the person who was going to pick them up. He heard the driver say a black car with a snake logo was going to be waiting at the Walmart.

Once they arrived at Walmart, the black car with the snake logo (Alfa Romeo) was waiting for them. The driver told them to get into the black car. ORTIZ sat in the passenger seat, while the other alien with him (Noe Avila-Redondo) sat in the back seat. The driver, later identified as Kendall Joseph Radley, drove for approximately 10 minutes before stopping near some houses and instructed ORTIZ and the other subject to get inside the trunk of the car.

Radley then drove for approximately one hour before arriving to the Checkpoint. During that drive, ORTIZ stated he was very uncomfortable in the trunk and was having shoulder pain. ORTIZ stated he was sweating and did not know how to escape. ORTIZ was able to identify RADLEY in a photo lineup as the driver and the person who put him in the trunk of the vehicle.

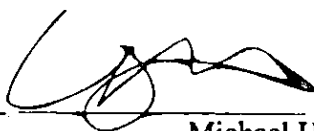
MATERIAL WITNESS STATEMENT: Noe Avila-Redondo

AVILA stated after crossing into the United States, he was taken to a hotel where he stayed for two days. On February 25, 2024, around 11:00 p.m., AVILA stated he was taken to a house where he stayed for about six hours. AVILA was then taken to a parking lot where he was told

by an unknown person wearing shorts to enter the trunk of a black vehicle. He was in the trunk for about 40 minutes before being arrested by Border Patrol Agents. He stated he paid 20,000 USD and was traveling to San Francisco, California.

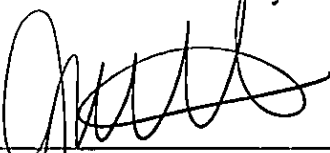
DISPOSITION:

The facts of this case were presented to the Assistant United States Attorney's Office who accepted Kendall Joseph Radley for prosecution of 8 USC 1324, Alien Smuggling. Hector Orlando Ortiz-Martinez and Noe Avila-Redondo will be held as material witnesses.



Michael Hibdon
Border Patrol Agent

Submitted by reliable electronic means, sworn to signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on this day February 26, 2024.



Julie K. Hampton
United States Magistrate Judge